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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ESTHER HWANG,

Plaintiff,

vs.

CITY AND COUNTY OF SAN FRANCISCO,  
a municipal corporation; HEATHER FONG, in  
her capacity as Chief of Police for the CITY  
AND COUNTY OF SAN FRANCISCO; JESSE  
SERNA, individually, and in his capacity as a  
police officer for the CITY AND COUNTY OF  
SAN FRANCISCO; NELSON ARTIGA,  
individually and in his capacity as a police  
officer for the CITY AND COUNTY OF SAN  
FRANCISCO; and, San Francisco police officers  
DOES 1-25, inclusive,

Defendants.

Case No. C 07 2718 MCC

**DECLARATION OF BENJAMIN  
NISENBAUM IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT. OR. IN THE ALTERNATIVE.  
SUMMARY ADJUDICATION OF ISSUES**

**Time: 9:00 a.m.  
Date: September 12, 2008  
Courtroom 7, 19<sup>th</sup> Floor**

Honorable Maxine M. Chesney

I, Benjamin Nisenbaum, hereby declare:

1. I am attorney of record for Plaintiff ESTHER HWANG. This declaration is submitted in support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment, or, in the Alternative, Summary Adjudication of issues.

2. Attached hereto as Exhibit A is a true and correct copy of relevant portions of the deposition of Plaintiff ESTHER HWANG.

3. Attached hereto as Exhibit B is a true and correct copy of relevant portions of the deposition of Daniel Hwang.

4. Attached hereto as Exhibit C is a true and correct copy of relevant portions of the deposition of Sung Lim.

5. Attached hereto as Exhibit D is a true and correct copy of relevant portions of the deposition of Mirko Buchwald.

6. Attached hereto as Exhibit E is a true and correct copy of San Francisco Police Department Incident Report number 070486886, pertaining to the subject-incident.

7. Attached hereto as Exhibit F is a true and correct copy of relevant portions of the deposition of Nathan Flores.

8. Attached hereto as Exhibit G is a true and correct copy of relevant portions of the deposition of Eugene Ainsworth.

9. Attached hereto as Exhibit H is a true and correct copy of the Complaint for Damages filed in USDC Northern District of California, Case No. 3:07-cv-02460 JL, *Gregory Oliver, II, v. City and County of San Francisco, et al.*

10. Attached hereto as Exhibit I are true and correct copies of the Complaint for Damages filed in USDC Northern District of California, Case No. 3:07-cv-02941 PJH, *Marco Maestrini v. City and County of San Francisco, et al.*, San Francisco Police Department Incident Report Number 061153549, pertaining to that incident, and photographs of Mr. Maestrini's bloody white t-shirt and injuries to Mr. Maestrini's head.

11. Attached hereto as Exhibit J is a true and correct copy of the Civil Docket sheet in USDC Northern District of California, Case No. 3:97-cv-04310 TEH, *Green v. City and County of San Francisco, et al.*

12. Attached hereto as Exhibit K is a true and correct copy of the Civil Docket sheet in USDC Northern District of California, Case No. 3:98-cv-00351 THE, *Lewis v. City and County of San Francisco, et al.*



1 13. Attached hereto as Exhibit L is a true and correct copy of the Civil Docket sheet in USDC  
2 Northern District of California, Case No. 3:98-cv-01610 MMC, *Pasene v. City and County of San*  
3 *Francisco, et al.*

4 14. Attached hereto as Exhibit M is a true and correct copy of the Civil Docket sheet in  
5 USDC Northern District of California, Case No. 3:00-cv-00539 MEJ, *Duthie, et al. v. City and*  
6 *County of San Francisco, et al.*

7 15. Attached hereto as Exhibit N is a true and correct copy of the Civil Docket sheet in  
8 USDC Northern District of California, Case No. 3:00-cv-01501 WHO, *Bell, et al. v. City and County*  
9 *of San Francisco, et al.*

10 16. Attached hereto as Exhibit O is a true and correct copy of the Joint Case Management  
11 Conference Statement USDC Northern District of California, Case No. 3:07-cv-04494 JSW,  
12 *Alemozaffar v. City and County of San Francisco, et al.*

13 17. Attached hereto as Exhibit P is a true and correct copy of the Complaint filed in USDC  
14 Northern District of California, Case No. 3:08-cv-01916 SBA, *Jamal Jackson v. City and County of*  
15 *San Francisco, et al.*

16 18. Attached hereto as Exhibit Q is a true and correct copy of the Complaint filed in USDC  
17 Northern District of California, Case No. 3:08-cv-01163 MEJ, *Shawn Myers, et al. v. City and*  
18 *County of San Francisco, et al.*

19 19. Attached hereto as Exhibit R is a true and correct copy of Magistrate Judge Larson's  
20 Order on Plaintiff's Motion to Compel in USDC Northern District of California, Case No. 3:07-cv-  
21 02460 JL, *Oliver v. City and County of San Francisco, et al.*

22 I declare under penalty of perjury under the laws of the State of California that the foregoing  
23 is true and correct of my personal knowledge, except where stated on information and belief, and to  
24 those matters I am informed and believe them to be true. If called as a witness, I would competently  
25 testify to those matters stated herein.

26 Executed August 22, 2008 at Oakland, California.

27 /s/

28 Benjamin Nisenbaum  
Attorney for Plaintiff